

**SHB 1058 - S AMD 561**

By Senators Hargrove, Stevens

ADOPTED 04/14/2005

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that, despite  
4 explicit statements in statute that the consent of a minor child is not  
5 required for a parent-initiated admission to inpatient or outpatient  
6 mental health treatment, treatment providers consistently refuse to  
7 accept a minor aged thirteen or over if the minor does not also consent  
8 to treatment. The legislature intends that the parent-initiated  
9 treatment provisions, with their accompanying due process provisions  
10 for the minor, be made fully available to parents.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.34 RCW  
12 to read as follows:

13 A minor child shall have no cause of action against an evaluation  
14 and treatment facility, inpatient facility, or provider of outpatient  
15 mental health treatment for admitting or accepting the minor in good  
16 faith for evaluation or treatment under RCW 71.34.052 or 71.34.054  
17 based solely upon the minor's lack of consent if the minor's parent has  
18 consented to the evaluation or treatment.

19 **Sec. 3.** RCW 71.34.052 and 1998 c 296 s 17 are each amended to read  
20 as follows:

21 (1) A parent may bring, or authorize the bringing of, his or her  
22 minor child to an evaluation and treatment facility or an inpatient  
23 facility and request that the professional person examine the minor to  
24 determine whether the minor has a mental disorder and is in need of  
25 inpatient treatment.

26 (2) The consent of the minor is not required for admission,  
27 evaluation, and treatment if the parent brings the minor to the  
28 facility.

1 (3) An appropriately trained professional person may evaluate  
2 whether the minor has a mental disorder. The evaluation shall be  
3 completed within twenty-four hours of the time the minor was brought to  
4 the facility, unless the professional person determines that the  
5 condition of the minor necessitates additional time for evaluation. In  
6 no event shall a minor be held longer than seventy-two hours for  
7 evaluation. If, in the judgment of the professional person, it is  
8 determined it is a medical necessity for the minor to receive inpatient  
9 treatment, the minor may be held for treatment. The facility shall  
10 limit treatment to that which the professional person determines is  
11 medically necessary to stabilize the minor's condition until the  
12 evaluation has been completed. Within twenty-four hours of completion  
13 of the evaluation, the professional person shall notify the department  
14 if the child is held for treatment and of the date of admission.

15 (4) No provider is obligated to provide treatment to a minor under  
16 the provisions of this section except that no provider may refuse to  
17 treat a minor under the provisions of this section solely on the basis  
18 that the minor has not consented to the treatment. No provider may  
19 admit a minor to treatment under this section unless it is medically  
20 necessary.

21 (5) No minor receiving inpatient treatment under this section may  
22 be discharged from the facility based solely on his or her request.

23 (6) Prior to the review conducted under RCW 71.34.025, the  
24 professional person shall notify the minor of his or her right to  
25 petition superior court for release from the facility.

26 ~~((7) For the purposes of this section "professional person" does~~  
27 ~~not include a social worker, unless the social worker is certified~~  
28 ~~under RCW 18.19.110 and appropriately trained and qualified by~~  
29 ~~education and experience, as defined by the department, in psychiatric~~  
30 ~~social work.))~~

31 NEW SECTION. Sec. 4. (1) The code reviser shall recodify, as  
32 necessary, the following sections of chapter 71.34 RCW in the following  
33 order, using the indicated subchapter headings:

- 34 General
- 35 71.34.010
- 36 71.34.020
- 37 71.34.140

1	71.34.032
2	71.34.250
3	71.34.280
4	71.34.260
5	71.34.240
6	71.34.230
7	71.34.210
8	71.34.200
9	71.34.225
10	71.34.220
11	71.34.160
12	71.34.190
13	71.34.170
14	71.34.290
15	71.34.056
16	71.34.800
17	71.34.805
18	71.34.810
19	71.34.015
20	71.34.027
21	71.34.130
22	71.34.270
23	Minor-Initiated Treatment
24	71.34.042
25	71.34.044
26	71.34.046
27	71.34.030
28	Parent-Initiated Treatment
29	71.34.052
30	71.34.025
31	71.34.162
32	71.34.164
33	71.34.035
34	71.34.054
35	Involuntary Commitment
36	71.34.040
37	71.34.050
38	71.34.060

1 71.34.070  
2 71.34.080  
3 71.34.090  
4 71.34.100  
5 71.34.120  
6 71.34.110  
7 71.34.150  
8 71.34.180  
9 Technical  
10 71.34.900  
11 71.34.901

12 (2) The code reviser shall correct all statutory references to  
13 sections recodified by this section."

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14 On page 1, line 1 of the title, after "minors;" strike the  
15 remainder of the title and insert "amending RCW 71.34.052; adding new  
16 sections to chapter 71.34 RCW; creating a new section; and recodifying  
17 RCW 71.34.010, 71.34.020, 71.34.140, 71.34.032, 71.34.250, 71.34.280,  
18 71.34.260, 71.34.240, 71.34.230, 71.34.210, 71.34.200, 71.34.225,  
19 71.34.220, 71.34.160, 71.34.190, 71.34.170, 71.34.290, 71.34.056,  
20 71.34.800, 71.34.805, 71.34.810, 71.34.015, 71.34.027, 71.34.130,  
21 71.34.270, 71.34.042, 71.34.044, 71.34.046, 71.34.030, 71.34.052,  
22 71.34.025, 71.34.162, 71.34.164, 71.34.035, 71.34.054, 71.34.040,  
23 71.34.050, 71.34.060, 71.34.070, 71.34.080, 71.34.090, 71.34.100,  
24 71.34.120, 71.34.110, 71.34.150, 71.34.180, 71.34.900, and 71.34.901."

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